IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 10462 of 2007(U)

PETITIONER:

M/S.JAGATJIT INDUSTRIES LTD.,
C/O.EMPEES DISTILLARIES LTD.,
NIDA, KANJIKODE, PALAKKAD DISTRICT,
(OFFICE XXXIX/771, CHITTOOR ROAD, ERNAKULAM,
KOCHI-11), REPRESENTED BY ITS AUTHORISED
SIGNATORY D.N.RAJAN.

BY ADV. SRI.V.P.SUKUMAR
SRI.KURYAN THOMAS

RESPONDENTS:
----

1. **THE SALES TAX OFFICER,**
   1ST CIRCLE, ERNAKULAM.

2. **THE INSPECTING ASSISTANT COMMISSIONER,**
   COMMERCIAL TAXES, ERNAKULAM.

3. **THE STATE OF KERALA, REPRESENTED BY THE**
   SECRETARY TO GOVERNMENT, TAXES(D)DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SRI. MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 10462 OF 2007-U

JUDGMENT

The petitioner is a defaulter in paying turnover tax. Pursuant to the judgment of the Apex Court, the Government have issued Ext.P5 common order, enabling the petitioner and others to pay the tax arrears in instalments. The petitioner submits, it came to know of Ext.P5 only recently. Immediately, it has paid the defaulted instalments for the months of December, 2006, January, February & March, 2007, along with Ext.P6 covering letter. On the ground that the petitioner failed to pay the instalments in time, its claim for the benefit of Ext.P5 Government order was not accepted by the assessing authority by Ext.P7 communication. Hence this writ petition, seeking appropriate reliefs.

2. The learned Government Pleader, upon instructions, submitted that if the petitioner pays interest for the defaulted instalments also, the facility provided under Ext.P5 can be extended to it. This submission is recorded. The petitioner may pay the balance instalments as provided under Ext.P5. It may pay the interest due for the defaulted instalments within one month

from today.

The Writ Petition is disposed of as above.

2nd April, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/